

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Maurice Mackey,</b>	)	<b>CASE NO. 1:01 CV 1046</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>vs.</b>	)	
	)	
<b>Harry K. Russell, Warden,</b>	)	<b><u>Order</u></b>
	)	
<b>Respondent.</b>	)	

In accordance with the Opinion of the United States Court of Appeals for the Sixth Circuit (02-4237) issued on August 9, 2005, and the mandate issued thereafter, a conditional writ of habeas corpus is hereby granted giving the State of Ohio 180 days to retry petitioner or release him from custody.

IT IS SO ORDERED.

Dated: 9/7/05

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge